THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 4871 of 2006

20-03-2006

Between:-

Y. Venugopal

Petitioner

And

The Deputy Commissioner, Prohibition and Excise Department, Ananthapur and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4871 of 2006

Oral order:

The petitioner is aggrieved by the order of the 1st respondent dated 06-03-2006 calling upon the petitioner to furnish security by way of a Fixed Deposit Receipt in an amount of Rs.95,000-00 towards the current assessed market value of the Auto bearing No. AP02-W-1073. The petitioner's Auto was seized on 28-01-2006, as it was inspected during a route-watch and found to be transporting 1200 Arrack sachets. A case was registered in Cr.No. 426 of 2005-06 under applicable provisions of the A.P. Prohibition Act and the A.P. Excise Act, 1968. The vehicle is susceptible to an eventual order of confiscation, should the offences under the provisions of the aforementioned legislations be established.

The petitioner sought for interim custody of the vehicle and the 1st respondent

passed the impugned order. The petitioner states that he is unable to raise the necessary finances to furnish a Fixed Deposit Receipt as a surety and that the order of the 1st respondent constitutes an arbitrary exercise of discretion and is also inequitable. Under the legislative presents it is the 1st respondent that is consecrated the discretion to identify the appropriate measure of security to be insisted upon, while releasing a vehicle alleged to having been involved in the commission of an excise offence, in favour of the owner of the vehicle, pending confiscation proceedings. The petitioner has no grievance with regard to the value of the vehicle assessed. His grievance is only as regards the mode of security insisted upon by the respondents. It is not the province of this court to explore alternative modes of furnishing security. Furnishing of a Fixed Deposit Receipt is a reasonably recognized mode of furnishing security and does not in the considered view of this court to constitute a perverse exercise of jurisdiction or discretion. No grounds are made out for interference. The writ petition is dismissed. No costs.

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GODA RAGHURAM, J

Dated:20-03-2006

Pvks/*